

REMARKS

Claims 1,2,4,5,9-14 are pending in the subject of the last Office Action. By this Response claims 2,5,10 and 14 are canceled. Claims 3,6,7 and 8 were canceled by previous amendment. By this Response claims 1,4, and 9 are amended in accordance with the discussions conducted with Examiner Ware on January 16, 2002. Care has been exercised to avoid the introduction of new matter or the introduction of any new issues for consideration by the Examiner.

During the discussions conducted via telephone on January 16, 2002, the questions raised by the Examiner in the pending Office Action were addressed. In particular, it was confirmed that the comparison was made between deer urine products taken from female deer in estrus. The evaluation of the formulation all of the products compared (with the exception of the tap water) was carried out to the best knowledge of the Applicant, who is an expert in the field of animal lures.

During the discussions of January 16, 2002, the Examiner was presented with the fact that there is no definite formulation for lures to be found in U.S. Patent No. 5,896,692 to Collora et al. Rather, this patent is directed to the freeze drying of any urine product to be used as a lure. This patent might be interpreted as containing suggestions for using urine from a single doe in estrus or multiple does in estrus. However, the same patent does very little to distinguish these

formulations from urine taken from a buck in heat, or formulations that contain portions of various glands taken from either bucks or does. As such, Collera et al. patent cannot be relied upon as providing a single definite formulation for comparison.

The crucial comparisons were made between the Applicant's product, taken exclusively from two does in estrus, and other formulations. These other formulations included urine taken from a single doe in estrus, and urine taken from three or more does in estrus. In this later group, the number of does contributing to the formulation was not an issue. The comparisons to the Applicant's claim two-doe formula were always the same. At least 92% preference were shown for those scrapes containing the Applicant's claimed formulation over any of the other formulations.

Pursuant to the Examiner's basis for rejecting the claims submitted July 11, 2001, a request is made to further amend the claims to conform with the Examiner's interpretation of the scope of the comparison tests. This has been done by the present Response. In particular, the claims are now limited to only two female animals in estrus. The animal species are confined to deer, moose, elk, and cariboo. While the present invention may very well apply to other animal species, the subject comparison tests are not sufficiently persuasive for any other

species besides deer and deer-like animals.

It is urged that the subject claim amendments be entered into the record of the subject application since these place the present application in condition for allowance. The subject claim amendments were not presented earlier since no agreement existed between the Examiner and the Applicant regarding the scope of proof provided by Affidavits submitted July 10, 2001.

Accordingly, it is urged that with entry of the subject claim amendments the present application is in condition for allowance. Favorable reconsideration is respectfully requested.

Should the Examiner have any comments, questions or suggestions, or should issues remain, the Examiner is respectfully requested to call the undersigned for prompt resolution.

Respectfully submitted,
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